

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/313,216	05/18/99	SILVERMAN	D 3432.80970

LM01/0330

EXAMINER

BANNER & WITCOFF LTD  
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WASHINGTON DC 20001-4597

COSIMANO, E

ART UNIT	PAPER NUMBER
2761	

DATE MAILED:

03/30/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/313,216	Silverman et al
Examiner	Art Unit	
Edward R. Cosimano	2761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

**Status**

1) Responsive to communication(s) filed on 16 February 2000 .

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 12-28 is/are pending in the application.

4a) Of the above claim(s) none is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 12-28 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 18 May 1999 is/are objected to by the Examiner.

11) The proposed drawing correction filed on 16 February 2000 is: a) approved b) disapproved.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) All b) Some \* c) None of the CERTIFIED copies of the priority documents have been:

1. received.

2. received in Application No. (Series Code / Serial Number) \_\_\_\_\_ .

3. received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

**Attachment(s)**

14) Notice of References Cited (PTO-892)

15) Notice of Draftsperson's Patent Drawing Review (PTO-948)

16) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ .

17) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_ .

18) Notice of Informal Patent Application (PTO-152)

19) Other: \_\_\_\_\_ .

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1. Applicant should note the changes to patent practice and procedure effective December 01, 1997 as published in the Federal Register, Vol 62, No. 197, Friday October 10, 1997.
2. The drawings filed December 19, 1995 are objected to because:

A) the drawings must show every feature of the invention specified in the claims, therefore, the subject matter of claim(s) 12-28, in regard to a single display with 4 to 7 sections as recited, must be shown in the drawings as required by 37 CFR § 1.83(a) or the feature(s) canceled from the claim(s) (note: no new matter should be entered).

B) the following errors have been noted in the drawings:

(1) in fig. 4A:

- (a) "8" should be --408--;
- (b) ")9" should be --409--; and
- (c) "0" should be --410--.

Correction is required.

2.1 Applicant is required to submit a proposed drawing correction in response to this Office action (37 CFR § 1.121(a)(3)(ii)). However, correction of the noted defect can be deferred until the application is allowed by the examiner.

3. The disclosure is objected to because of the following informalities:

A) the specification lacks an explicit reference to the nature of:

(1) reference legend(s):

- (a) "8", ")9" & "0" of fig. 4A;

as required by 37 CFR § 1.84(p(5)). It is noted that merely mentioning a number without mentioning the device or operation of the step relies on the drawing to provide support for the disclosure and not to aid in the understanding of the invention, as is the purpose of the drawings (37 CFR § 1.81(a,b)).

Appropriate correction is required.

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4. The specification and drawings have not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification or drawings. Applicant should note the requirements of 37 CFR § 1.74, § 1.75, § 1.84(o,p(5)) & § 1.121(a)(1)-1.121(a)(6).

5. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

(c) Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

5.1 Claims 12-28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over either Sibley, Jr. (4,677,552) or Shavit et al (4,799,156) or Wagner (4,903,201 or 4,980,826) or Silverman et al (5,077,665 or 5,136,501) or Wiseman (5,168,446) in view of an obvious need.

5.1.1 In regard to the displaying of trading information as recited in claims 12-28, since either Sibley, Jr. ('552) or Shavit et al ('156) or Wagner ('201 or '826) or Silverman et al ('665 or '501) or Wiseman ('446) require an user to input data about offers to either buy or sell items, it would have been obvious to one of ordinary skill at the time the invention was made that the systems of either Sibley, Jr. ('552) or Shavit et al ('156) or Wagner ('201 or '826) or Silverman et al ('665 or '501) or Wiseman ('446) would display the information about the

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offers and trades to the user so that the user may make an informed decision about the offer to either sell or buy.

5.1.2 In regard to the displaying of "non-negotiable values" and "negotiable values", since it is common practice in the instant environment to have conditions/instructions attached to an offer to either sell or buy, it would have been obvious to one of ordinary skill at the time the invention was made that some of the conditions/instructions for an offer to sell/buy in any one of Sibley, Jr. ('552) or Shavit et al ('156) or Wagner ('201 or '826) or Silverman et al ('665 or '501) or Wiseman ('446) would have both "non-negotiable values" and "negotiable values" within the offer's conditions/instructions.

6. Response to applicant's arguments.

6.1 All rejections and objections of the previous Office action not repeated or modified and repeated here in have been over come by applicant's last response.

6.2 As per the remaining objections to the drawings and specification, since applicant failed to:

- A) address the objection above in section (2)(A); and
- B) correct the objections regarding fig. 4A;

these objections are repeated.

6.3 As per the 35 U.S.C. § 103 rejection, note above in section (5.1.2), applicant's argument's are non persuasive.

7. The shorten statutory period of response is set to expire 3 (three) months from the mailing date of this Office action.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Cosimano whose telephone number is (703) 305-9783. The examiner can normally be reached Monday through Thursday from 7:30am to 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Todd Voeltz, can be reached on (703)-305-9714. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3800.

8.1 The fax phone number for **UNOFFICIAL FAXES** for this group is (703) 305-0040.

8.2 The fax phone number for **OFFICIAL FAXES** for this group is either (703) 308-9051 or (703) 308-9052.

03/25/00

*Edward Cosimano*  
Edward R. Cosimano  
Primary Examiner A.U. 2761